

or employees thereof, in any manner in carrying out such Charter provisions, this chapter and such rules and regulations.
(Code 1968, § 12-9)

Sec. 14-10. Suspension of provisions requiring competition.

When an office, employment, place or position in the classified service, in which peculiar and exceptional qualifications of a scientific, professional or educational character are required, is vacant, upon satisfactory evidence that, for special reasons, competition in such special case is impracticable, and that the position, etc., can be best filled by the selection of some designated person of high and recognized attainments in such qualities, the commission may suspend all provisions requiring competition in such case, but no such suspension shall be general in its application to such place.
(Code 1968, § 12-10)

Sec. 14-11. Offenses in regard to examinations.

No person or officer or employee shall willfully or corruptly, by himself or in cooperation with one or more other persons, defeat, deceive or obstruct any person in respect to his right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, or aid in so doing, or willfully or corruptly make any false representation concerning the same or concerning the person examined, or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, being appointed, employed, promoted or reinstated.
(Code 1968, § 12-11)

Sec. 14-12. Hearings and investigations by commission.

The civil service commission may hold hearings concerning all matters touching the enforcement and effect of the Charter provisions for civil service, this chapter and the rules and regulations of such commission concerning the action of

any officer or employee of the city in respect to the execution of such Charter provision, this chapter or the rules and regulations of the commission; and in all cases of investigation under the preceding provision, or of an appeal of an officer or employee in the classified service from the action of any officer, director of department or employee of the city removing, discharging or finally suspending him from his office or employment, the commission, for the purpose of holding such hearing, investigation or inquiry, shall have the power to take testimony, administer oaths and affirmations, subpoena and require the attendance of witnesses and the production of books and papers pertinent thereto, and to examine such witnesses, books and papers, and it shall be the duty of all persons to obey such subpoenas, produce such books, records and papers, and to submit to examination and give their testimony, in all cases where such testimony, evidence, etc., could be required in a court of competent jurisdiction.
(Code 1968, § 12-12; Ord. No. 05-91, § 6, 1-25-05)

Sec. 14-13. Compiling, checking, certifying and correcting payrolls.

(a) It shall be the duty of every department director to compile all payrolls as promptly as possible, and to deliver same to the office of the civil service commission in good order, properly signed and ready for the city controller. It shall also be the duty of each department to furnish one employee to deliver such payrolls, which employee shall assist the civil service commission in the checking of that department's payroll at the time same is delivered.

(b) It shall be the duty of the civil service commission to check all payrolls to determine the legality of employment. Each item shall conform to the civil service records.

(c) Payrolls checked under this section shall be certified in writing by the human resources director and, when checked by another employee of the commission, shall bear the initials of the employee checking the same.

(d) After payrolls have been checked and certified by the commission, they shall be delivered immediately to the city controller.

(b) Approval by the commission of temporary appointments shall be required before the civil service commission may certify to the legality of the payrolls upon which such names appear. Such approval should be had before employment of temporary employees begins.

(c) Approval by the commission before employment begins shall not be required in the case of an emergency placement, but each such appointment shall be reported to the civil service commission immediately.

(d) When there is a vacancy in a scientific, managerial, professional, or educational class and there is a shortage of applicants in that class, the commission may approve the appointment of an applicant recommended by the mayor upon satisfactory evidence that the applicant meets the requirements for the class and is qualified otherwise; however, the commission may require the applicant to pass either an assembled or an unassembled examination, or both, to qualify.
(Code 1968, § 12-114)

Sec. 14-115. Transfers.

(a) A department director, with the approval of the mayor, may request the civil service commission to transfer or reclassify within his department any classified employee under his jurisdiction from one position to another position in the same class with the same maximum salary. Transfer or reclassification shall not be allowed until prior approval by the civil service commission. Transfer of a classified employee from a position under the jurisdiction of one department director to a position under the jurisdiction of another department director may be made only upon approval of the civil service commission and both department directors concerned. Any transfer of an employee from a position in a lower class to a position in a class carrying a higher maximum salary shall be deemed a promotion; while any transfer from a position in a higher class to a position in a class carrying a lower maximum salary shall be deemed a demotion and neither may be accomplished except in the manner provided in these rules for making a promotion and for making a demotion. A city employee in a noncivil service position shall be neither trans-

ferred, appointed, nor promoted to a civil service position without first having been qualified by the civil service commission.

(b) When the best interests of the city may be served thereby, the commission may approve transfers, to vacancies, of employees who are about to be displaced for reasons not reflecting upon the efficiency, character, conduct or capacity of those employees.
(Code 1968, § 12-115; Ord. No. 05-91, § 1, 1-25-05)

Sec. 14-116. Procedure.

The director shall institute procedures and designate forms for carrying on all of the activities involved in such transactions coming under the jurisdiction of the commission.
(Code 1968, § 12-116)

Secs. 14-117—14-121. Reserved.

DIVISION 9. RULE 9. PROBATION

Sec. 14-122. Duration.

Each original appointment or reappointment to a position in the classified service shall be for a probationary period of 12 consecutive months. Each employee so appointed shall complete the 12 months probationary period, which is to be regarded as a working test period, before being considered a classified employee. Each promotion in the classified service shall be for an additional probationary period of six months, which is also to be regarded as a working test period.
(Code 1968, § 12-122)

Sec. 14-123. Service ratings during probation.

During a probationary period the department director shall observe carefully the performance and conduct of the employee and, if the conduct of the employee is not satisfactory, then the circumstances pertaining to the unsatisfactory performance shall be reported to the civil service commission.
(Code 1968, § 12-123; Ord. No. 05-91, § 1, 1-25-05)

(2) In any instance in which the reemployment list for a given classification contains employees who before the layoff did not work within the department in which they would be reemployed, the department director may request and the commission may approve the certification of only those employees on that reemployment list who worked in that department at the time they were laid off, and thereby bypass all employees on the reemployment list who were not employed in that department at the time they were laid off. If vacancies which the department seeks to fill still exist after certification of all those employees who worked in the department at the time they were laid off, then for those remaining vacancies the last employees laid off in that classification within any other department shall be the first reemployed.

(3) In any instance in which the duties assigned to a classification within a department will require the performance of different work functions, which vary as to tasks performed, equipment operated, or in any other manner that affects the transferability of persons between the functions, and any one or more employees on the reemployment list were, before the layoff, either:

- a. Selected for employment or promotion to the same or similar work functions on the basis of different formal education qualifications, professional licenses, or specialized technical training, or
- b. Given specialized training, whether of a formal or on-the-job nature, while employed by the city that substantially meets the needs of the work functions to be performed in the department.

and the reemployment of employees based strictly on their numerical position on the reemployment list would, in the opinion of the department director, require the retraining, licensing, or additional education of any one or more employees

on the reemployment list to effectively staff those activities of the department that will be performed, then the department director may request that the commission bypass one or more employees on the reemployment list. The commission may bypass the employee(s) only if it finds that:

- a. The employee(s) who will be bypassed do not have educational or training skills or licenses relevant to the work functions required for the department that are possessed by the employee(s) who the department requests be employed, and
- b. The retraining, licensing or additional education of the employee(s) who will be bypassed would cause a deterioration of service delivery or service quality by the department.

(4) In any instance in which, in the opinion of the department director, an employee on the reemployment list is not physically capable of performing the duties which will be performed in a department after reemployment, the department director may request that the commission bypass that employee. In reviewing such request the commission may order that the employee submit to a physical examination at city expense or provide other medical documentation of ability to perform the duties which will be required of that classification within the department. The commission may bypass that employee only if it finds that the employee is physically incapable of performing the duties which will be required of that employee's classification within that department and that the employee's physical condition cannot reasonably be accommodated by the department.

(Ord. No. 86-614, § 1, 5-6-86; Ord. No. 87-914, § 1, 6-9-87; Ord. No. 05-91, § 1, 1-25-05)

Sec. 14-143. Transfer or demotion in lieu of layoff.

An employee who is determined to be in line for layoff may be transferred, before the effective

date of such layoff, to a position in the same classification in a different department or to a position in any other classification for which the employee is eligible in the same department, in lieu of being laid off, such transfer to be governed by conditions or procedures prescribed in these civil service rules and the availability of suitable positions that the department directors desire to fill. If a permanent employee is in line for layoff from a position to which he was promoted within the preceding 12 months, he may be demoted to his previous classification, provided that there is a vacant position available in such classification that the department director desires to fill and further provided that the employee is willing to accept a pay reduction to the rate applicable for the classification to which the employee will be demoted. The employee who accepts a demotion shall be placed on a reemployment list and shall remain on this list for one year. The employee shall be placed on the reemployment list based on seniority and performance rating as if they had actually been laid off.

(Ord. No. 86-614, § 1, 5-6-86; Ord. No. 87-914, § 1, 6-9-87; Ord. No. 05-91, § 1, 1-25-05)

Sec. 14-144. Filing of plan, appeal.

(a) Not less than five city working days prior to the date that the laid off employees are formally notified in writing of their layoff under this rule, the department director implementing such layoff shall file a written plan reflecting such layoff with the director as the secretary to the commission and with the director of the affirmative action division of the mayor's office. Such plan shall set forth:

- (1) Reason for the layoff and the source of funding which was reduced, if applicable;
- (2) An organizational plan or diagram for the department affected by the layoff as it appeared prior to the layoff;
- (3) The names and the current home addresses and telephone numbers and classifications of the employees who are to be laid off;
- (4) For each classification and layoff tier in the department in which employees are to be laid off the computation of each em-

ployees' (whether laid off or not) layoff merit rating score and layoff tier pursuant to section 14-141; and

- (5) A copy of any exemption designations made pursuant to section 14-141.

(b) Each layoff process accomplished under this rule that causes the layoff of any permanent employee shall be subject to review by the commission upon the request of any laid off permanent employee filed in writing with the director within ten calendar days after the date that the employee is given written notice of the layoff. If the tenth day falls on a Saturday, Sunday, or holiday, the time for filing the request for review shall be extended to the next working day. In this paragraph "*permanent employee*" shall mean a full-time regular employee who is serving in a classified civil service position who has completed the one-year probationary period applicable to new and rehired civil service employees but shall not be construed to mean any employee excepted from civil service classification pursuant to Article Va, Section 2 of the City Charter. Such request shall specify the reason that the laid off employee believes that the layoff was not properly accomplished in accordance with this rule. Any request which lacks such specificity may be rejected by the commission. The chairman in consultation with the other members and the director shall determine the type of review to be conducted, establish a date therefor, and determine the names of those persons who would be affected by the appeal if meritorious. The director shall cause a written notice of the review proceeding to be mailed to each person that may be designated by the commission, at the address furnished in the layoff plan, by certified U.S. mail, return receipt requested. Any of the persons so designated may intervene in the review by filing a written statement of position on the matter with the director by the day prior to its setting. To the extent practicable, only one review shall be conducted for each layoff process. The commission shall limit its inquiry to the issue of whether the layoff was accomplished as to all employees involved, whether laid off or not, in accordance with this rule, and it shall not substitute its judgment for that of the department director as to any decision made within the legitimate discretion of the depart-